



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,362	06/23/2003	Raymond Crozet	1759.130	1236

23405 7590 08/26/2004

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER

LUBY, MATTHEW D

ART UNIT PAPER NUMBER

3611

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,362

Applicant(s)

CROZET ET AL.

Examiner

Matt Luby

Art Unit

3611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract uses the word "said" in lines 6 and 9.

Claim Objections

2. Claims 1., 4 and 5 are objected to because of the following informalities: it is believed that the limitation "a ring housing in an upper part" in claim 1, line 7 would be better expressed as "said ring housing an upper part which houses"; it is believed that claim 4 would be more clearly defined by changing the word "exhibiting" in line 4 to "having" and it the word "then" in claim 5, line 4 should be changed to "than".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the nose part" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the seal has an insert" in line 2. It is unclear whether this is the same insert or a different insert from that recited in claim 2 (from which claim 6 depends).

The limitation "wherein said cartridge includes a floating reinforced seal, on said seal there is positioned a ring which ring on an outside has a seal bearing against the outer cup" in claim 1, lines 4-6 and claim 8, lines 4-6 is unclear. Firstly, when this limitation is interpreted in light of Applicant's drawings, it appears that the only seal that the ring (reference numeral 8) can be positioned upon is the reference numeral 7 seal. The drawings do not show seal, 8, positioned in any direct way, shape or form upon seal 5. The recitation in claim 2 of a new "profiled seal" (reference numeral 5, which was originally in claim 2 but deleted by way of amendment) further goes to prove this point, i.e., that the "floating reinforced seal" refers to reference numeral 7 in the drawings. If all this is true, it is unclear what the phrase "which ring on an outside has a seal bearing against the outer cup" means because a "floating reinforced seal" (the

Art Unit: 3611

reference numeral 7 seal) has already been claimed and a new "profiled seal" (the reference numeral 5 seal) is claimed in claim 2. Therefore for examination purposes, the "seal bearing against the outer cup" can only be interpreted to mean the exact same reference numeral 7 seal as the "floating reinforced seal". Finally, Applicant's should amend claims 1 and 8 to change "which ring on an outside has a seal bearing against the outer cup" to "which ring on an outside has the floating reinforced seal bearing against the outer cup" since the "floating reinforced seal" and the "seal bearing against the outer cup" are one and the same.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8, as best understood with reference to the 112, 2nd paragraph rejection above, rejected under 35 U.S.C. 102(b) as being anticipated by Luen (U.S. Patent No. 5,680,798).

Luen discloses a headset (shown in complete form in Figure 2) having a cartridge comprising: a bearing assembly (42) inserted between an outer cup (41) and an inner cup (44), the outer cup bearing against an interior wall of a bore (shown in Figures 1 and 2) in a head tube (30), wherein the cartridge includes a floating reinforced seal (50), on the seal there is positioned a ring (60 and 61) which ring on an outside has

Art Unit: 3611

the floating reinforced seal bearing against the outer cup (shown in Figure 2), the ring being in contact with the inner cup of the cartridge (shown in Figure 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 as best understood with reference to the 112, 2nd paragraph rejection above, is rejected under 35 U.S.C. 103(a) as being unpatentable over Chi (U.S. Patent No. 5,246,296) in view of by Luen (U.S. Patent No. 5,680,798).

Chi discloses a headset (shown in complete form in Figure 2) having a cartridge comprising: a bearing assembly (23) inserted between an outer cup (21) and an inner cup (24), the outer cup bearing against an interior wall of a bore (shown in Figures 1 and 2) in a head tube (10), a ring (30) being in contact with the inner cup (shown in Figures 1 and 2) of the cartridge, the ring housing an upper part which houses an O-ring (the ring without a reference numeral that is positioned between 30 and 40, as shown in Figure 1) and a compression ring (40). Chi does not specifically disclose that the cartridge includes a floating reinforced seal (50), with the ring positioned thereon, wherein the ring on an outside has the floating reinforced seal bearing against the outer cup

Luen discloses that the cartridge includes a floating reinforced seal (50), with the ring (60 and 61) positioned thereon, wherein the ring on an outside has the floating reinforced seal bearing against (shown in Figure 2) the outer cup (41) in order to provide the inherent advantage of protection from elements such as water to the internal elements of the headset (element, 50, is described as a water-proof ring in the disclosure, and therefore would add the advantage of water-proofing to the internal elements of the headset).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide that the cartridge includes a floating reinforced seal (50), with the ring positioned thereon, wherein the ring on an outside has the floating reinforced seal bearing against the outer cup on the Chi headset, as taught by Luen, in order to provide the inherent advantage of protection from elements such as water to the internal elements of the headset.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chi in view of Luen as applied to claim 1 above, and further in view of Lin (U.S. Patent No. 5,971,415).

The modified Chi headset includes all of Applicant's claimed elements except for an inner cup with a conical profile which has a cut in the upper end, an upper plane of the inner cup adjacent to the cut being straight and horizontal and having a nose on which the seal rests.

Lin discloses a headset including an inner cup (53) with a conical profile (lower half of 53 shown in Figure 1) which has a cut in the upper end, an upper plane of the

Art Unit: 3611

inner cup adjacent to the cut being straight and horizontal and having a nose on which the seal (54) rests (shown in Figures 1 and 3) in order to provide a device which seals out rain water when installed on a bicycle (col. 1, lines 6-10 - since this is the primary purpose of the Lin invention).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an inner cup with a conical profile which has a cut in the upper end, an upper plane of the inner cup adjacent to the cut being straight and horizontal and having a nose on which the seal rests on the modified Chi headset, as taught by Lin, in order to provide a device which seals out rain water when installed on a bicycle.

Allowable Subject Matter

8. Claims 2, 3 and 5-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it relates to bicycle headset assemblies.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Luby whose telephone number is (703) 305-0441. The examiner can normally be reached on Monday-Friday, 9:30 a.m. to 6:00 p.m..

Art Unit: 3611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matt Luby
Examiner
Art Unit 3611

A handwritten signature in black ink, appearing to read "Matt Luby", written in a cursive style.

M.I.
August 20, 2004